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We Are Facing a Subtle and Insidious Drive To Strengthen the Power of the Indian Bureau

SPEECH
OF
HON. HUGH BUTLER
OF NEBRASKA
IN THE SENATE OF THE UNITED STATES
Friday, October 7, 1949

Mr. BUTLER. In order to conserve the time of the Senate, I ask unanimous consent to have printed in the RECORD at this point some remarks prepared by me regarding our Indian policy, which I would deliver if the opportunity afforded.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, in the Washington Daily News for October 5, 1949, Mrs. Eleanor Roosevelt's daily column makes some rather critical comments with respect to what she calls the Butler-D'Ewart bill, by which she means, I presume, my bill S. 186, which is entitled "A Bill to Emancipate United States Indians in Certain Cases."

Mrs. Roosevelt's column is entitled: "To Arms, Indians! The Congressmen Are Coming!" In this particular column she also takes occasion to criticize certain other congressional actions aimed at granting to certain groups of Indians the same legal rights now extended to all white and Negro citizens of our country. It is clear from the tenor of her remarks that Mrs. Roosevelt thoroughly endorses the general lines of present Indian Bureau policy and the Wheeler-Howard Act, which is now on the statute books.

Because Mrs. Roosevelt's comments may help to clarify some of the differences in opinion regarding present Indian policy, I insert it in the RECORD at this point.

TO ARMS, INDIANS! THE CONGRESSMEN ARE COMING!

(By Eleanor Roosevelt)

NEW YORK, Tuesday.—One of the Soviet attacks on the democracies, particularly the United States, centers on our racial policies. In recent months the Russians have been particularly watching our attitude toward the native Indians of our country.

So the question of what we do about our Indians, important as it used to be for the sake of justice, is enhanced in importance now because it is part of the fight which we and other democracies must wage, day in and day out, in perfecting our governmental household so that it will not be vulnerable to attack by the Communists.

For that reason our country as a whole should understand what is going on at the present time in Congress in this connection. This particular little plot, shall I call it, has to do with the Navajos and Hopis. There are 11 Hopi pueblos, surrounded by Navajo country. The Navajos number about 65,000 and are the largest Indian tribe north of Mexico. The Hopis represent the most perfect flowering of pre-Columbian culture from the Rio Grande to the Arctic.

For purposes largely of publicity, the Interior Department drafted a bill to authorize a rehabilitation program. This bill reauthorized already authorized appropriations, and the interested public and the Indians gained an impression that the bill actually appropriated $90,000,000 for their needs. It did nothing of the kind. The hope was that it would create public interest and thus stir the appropriations committees in Congress to appropriate some very much needed money.

The bill was approved by voice votes in the House and the Senate and sent to President Truman.

I certainly hope President Truman will veto this bill. One provision of it would place all Navajo and Hopi Indians under the State laws of Arizona, Utah, New Mexico, and Colorado. Only a few minor exceptions in the matter of land law and property taxation were made; nothing was said of water rights; and without any exceptions the Navajos and the Hopis are placed under the jurisdiction of the State and local courts.

For a hundred years it has been the United States policy to allow Indians their own tribal, customary law. Under section 9 of this new bill we will interfere with all the things that are important to them—their religion, their art, their self-governing arrangements. The very things that those who study Indian life consider most important, this bill would destroy.

There is a constant effort going on to transfer Indian property to whites and one of the most successful ways in the past has been to disrupt the Indian social system. Between 1887 and 1933, through land allotments, we transferred 90,000,000 acres of the best Indian land to whites. This was largely done by the method of persuading or compelling the individualization of tribal properties.

In 1934, under the Indian Reorganization Act, land allotments were stopped. Now there is still another bill up for consideration, called the Butler-D'Ewart bill. This authorizes any Indian individual, if declared competent, to sell his equity regardless of the consent of the coowners and, of course, strikes a body blow at all Indian corporate holdings. The intent is similar to the Indian omnibus bill of 1923 which Albert D. Fall nearly succeeded in getting enacted.

There are many other things that are being done in Congress at the present time and which the public knows little or nothing about.

Are we indifferent to the way our Indians are treated? If not we had better let our representatives in Congress know that we do not like the present trend of legislation.

Mr. President, it is a complete mystery to me how a person like Mrs. Roosevelt, who believes so strongly that segregation between white and Negro people should be destroyed, can apparently believe that the segregation system for Indians should be preserved and strengthened. I do not mean any disrespect to our former First Lady. I simply cannot comprehend how any person can arrive at such opposite opinions on two problems which are basically so nearly identical. Let me say frankly that I do not believe Negroes should be segregated, and I do not believe Indians should be segregated. Any institution or any public policy which strengthens and enforces segregation for these two minority racial groups in my judgment is wrong. Right or wrong, that is my opinion, and I am at least consistent.

In order to make this issue crystal clear, I should like to call attention to the principal provision of my bill, S. 186, to which Mrs. Roosevelt takes exception. Very simply, it grants to any Indian who desires it, the right to handle and control, to sell, or to use as he sees fit, his own property, provided only that an unbiased court of the land decides that he is competent to handle his own affairs. That is the same right possessed by every white, Negro, or oriental citizen or resident of this country. If an Indian cannot secure a "decree or judgment of competency" from the naturalization court for his area, his land would continue to remain in a trust status just as it is now.

Mr. President, the country and the Indians have reached the crossroads with respect to Indian policy. Two paths are open before us and the Indians. One path leads to an indefinite continuation and strengthening of the reservation policy, which keeps the Indians isolated and segregated, away from contact with the whites who might teach them and help them to adjust to the demands and to the opportunities of modern civilized life. If the Nation and the Indians follow that path, there is nothing in prospect except an unlimited perpetuation of the semifeudal, poverty-stricken, second-class-citizenship status of the Indians. With probably the best of intentions, that is what Mrs. Roosevelt proposes.

The other path is assimilating and teaching the Indians the things that the white men have learned and created, so that the Indians may advance as rapidly as possible toward a status of equal independence, equal rights, and equal responsibilities with the white race. That can not be done if the Indians are kept out of the main stream of American life and herded off in remote reservations. The Indians can advance rapidly only as they can come into close and continuous contact with the white men and the ways of the white men.

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This issue goes far beyond the specific bills to which Mrs. Roosevelt refers. At the present time, Mr. President, we are facing a subtle and insidious drive to strengthen the power of the Indian Bureau and to give it broader authority over the destiny of the Indians.

This drive takes the form of two sets of bills which are being put forward. One set would transfer away all congressional authority over the expenditure of tribal funds, which I am advised amount to approximately $35,000,000. The other set of several bills would likewise transfer away all congressional authority over the funds appropriated by Congress of millions of dollars to specific Indian tribes, made in the name of Indian welfare and rehabilitation. In both instances the transfer of authority would be from Congress to puppet tribal councils, but in fact, to the Indian Bureau, which controls them.

Good examples of the first type of bill are S. 929, S. 1564, S. 1633, and S. 1763. Examples of the second type are S. 1691, S. 1690, and H. R. 6152. Another good example of this second type is the draft of a bill submitted to Congressman CASE, of South Dakota, and placed in the CONGRESSIONAL RECORD on August 25, 1949. Let me state very definitely that Mr. CASE did not endorse this draft. He simply placed it in the RECORD for study and consideration, which was an excellent idea. This particular draft, prepared and recommended by the Indian Bureau, would require $50,000,000 for the 6,299 families of Sioux Indians of North and South Dakota alone, or about $8,000 per family. These various bills generally provide for loans to Indian groups under Indian Bureau supervision—loans maturing in 25 to 35 years, if ever, thus perpetuating the Indian Bureau. They provide lavishly for the purchase of private land into trust status and communal use, and freed from all State and local taxes. They include in Indian groups to participate in public charity, many thousands of non-Indians as defined by the courts and under the Wheeler-Howard Act.

Preposterous as it may appear, these bills propose to purchase, restore, and consolidate lands into Indian reservations where the Indians are completely segregated from their white neighbors on tax-free lands closed to non-Indian settlement. Even more preposterous they propose to admit to participation with Indians in all Federal gratuities within the closed reservations large numbers of persons who are three-fourths white, though even the Wheeler-Howard Act defines an Indian as one having one-half or more of Indian blood. These bills are intended to keep the Indians forever on closed reservations and to recapture those who have escaped from the Indian Bureau and who have merged with their non-Indian brothers as equal citizens.

Notice has been given that many more such bills for the pretended rehabilitation of other Indian groups are soon to be presented to Congress.

Congress may well examine the background of this policy which the Indian Bureau and the Department of the Interior are attempting to inaugurate.

The further usefulness of the Indian Bureau has been challenged at various times during the past 50 years by well-informed Members of Congress and even by some of its own higher officials. For many years John Collier challenged its inefficiency, its waste, and its destruction of the intrinsic values in Indian life. But when he became Commissioner of Indian Affairs he supported the Secretary of the Interior, Harold Ickes, in rebuilding the Indian Bureau into a bureaucratic instrument for extracting appropriations from Congress in the name of Indian groups.

Under the slogan Land for Landless Indians, Mr. Collier, supported by the influence of the Secretary of the Interior and his solicitors, forced the Wheeler-Howard Act through Congress in 1934 and imposed it upon the Indians. It is doubtful whether Mr Collier understood the real significance of the act. He was engrossed in the plans for the self-determination of the Indians. He may not have realized that Ickes was intent on using the act to build up a supporting empire for his department out of public domain and the purchase of private lands. These lands were then available for use by the Indian Bureau in various tax-free enterprises in competition with private taxpaying industries.

The Indian Bureau perpetrated the lie upon the public, that the Indians had lost 90,000,000 acres of land since the allotment act of 1887. They had not lost the land. They had sold it. Ickes announced later that the Government itself had paid Indians $800,000,000 for land. Besides they have plenty of land left—so much that they are leasing 12,000,000 acres of it to non-Indians. This land was not lost to the Indians any more than have been lost to non-Indians the millions of acres sold by them during a like period.

The Wheeler-Howard Act provided—

First. That existing periods of Federal trust on all Indian lands were extended indefinitely—although many Indians had been promised fee patents under treaty, and all others had been been so promised directly or by implication. Besides, though some Indians might not want fee patents, all other citizens had a stake in them as future contributing citizens.

Second. So-called surplus lands, lands which the Indians had ceded or sold after they had made their own selections from them could be returned to Federal trust and common use by the Secretary of the Interior, in the name of the tribe which had originally disposed of them. This led to the dispossession of legal non-Indian settlers through cruel and unjust measures of the most revolting nature. The mass eviction of settlers in the Wind River country of Wyoming is an example.

Third. All future allotment of land to Indians was forbidden. This provision turned back the clock of Indian progress 50 years and it gave the Secretary of the Interior an opportunity to force individual owners to turn back their allotments into the common pot of community ownership from which perhaps they could never be recovered.

Fourth. Lands might be purchased by the Secretary of the Interior for use of various tribes or groups. He could use Federal or tribal funds or both. Under this provision came the fantastic purchases of the Padlock Ranch in Wyoming, the Schermerhorn in Minnesota, and the XL in California, as well as divers other lands and ranches to be operated by the Indian Bureau.

Fifth. The Secretary was authorized to create new Indian reservations, a thing that had not been done for 50 years, and to regather dispersed Indians. After creating a few reservations in the western States, Ickes turned his attention to Alaska where he was making a good start at dividing up the territory among the native groups until somebody stopped him and returned the land to the Territory until it could become a State.

Sixth. All tribal land, all reservations created, all surplus lands returned to trust, all lands purchased for Indians, were to be held in perpetual trust. What was more significant, they were to be held for the communal or common use of the particular Indian groups concerned. Of course, no Indian groups were any more able to make common use of lands than would be any groups of non-Indians. The lands are managed by the Indian Bureau or lie idle. But in order to make the Secretary more secure in his authority over Indian lands, his chief solicitor issued the opinion that "under the rule of communal ownership no individual member of the tribe has any enforceable vested interest in the communal lands or funds." This gave the Secretary complete control over all Indians who had any interest in tribal property.

Seventh. Any group of Indians that accepted the Wheeler-Howard Act was to be permitted to organize under a constitution approved by the Secretary of the Interior, who could then offer them a charter permitting them to do whatever he would direct or allow. This furnished busy work for John Collier and at the same time served Ickes in furnishing rubber-stamp councils to approve what he wanted to do or not to do. Such councils came in handy in the land program of the Department.

Eighth. The Wheeler-Howard Act provided for a $10,000,000 revolving loan fund for groups which accepted the act. It was intended and used as an attractive bait for the Indians to accept. Like all other provisions, it was used to control the Indians and support bureau enterprises. It led to the establishment of what the Commissioner called 80 branch banks.

Mr. Collier's purpose in the Wheeler-Howard Act was to set up under his leadership self-governing Indian groups which would become a part of a far-flung but invisible Indian empire including the 30,000,000 primitives of South and Central America and Mexico. He failed with the Indians at home but was partially successful with those abroad in that he was able through the farcical treaty of Patzquaro to provide for an in-

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ternational Indian institute and through it for a national Indian institute through which he hoped to develop his mystical Indian state.

Mr. Ickes envisioned entirely different results to be gained through the Wheeler-Howard Act. He would use it in a practical way to build up his land empire out of public domain and private land. He was acquiring a 160,000,000-acre grazing bureau and at the same time importuning President Roosevelt to take 135,000,000 acres of forestry away from the Agriculture Department. He was preparing to use the Indian Bureau, national forests, national parks, the Grazing Bureau, a great fertilizer bureau, and his oil lands control, including tidelands, to gather in the remaining public domain and much private land which would be relieved of State and local taxes in lieu of fees and royalties for departmental support.

Under the authority of the Wheeler-Howard Act, the Indian Bureau organized more than a hundred Indian groups, exclusive of those in Alaska, under constitutions. Many of the groups were small, some of them having less than a score of adult members. Each of the groups organized, if living on or near land held in trust for them, was authorized by the Secretary of the Interior to include within its jurisdiction all land within the outer boundaries of the original reservation of which it had ever been a part, even though th territory claimed had been sold and ceded by the Indians and had been legall settled by non-Indians. This gave the Secretary an excuse for claiming many times the amount of land actually held in trust for the group that was being organized. Even though the land was legally settled by non-Indians, the Secretary was able in some cases to restore it to trust through decree or purchase on his own terms, and to evict bona-fide legal settlers.

In a great many instances, some residue group of mixed bloods having no tribal organization or relations was organized and chartered as a center around which nonresidents and even non-Indians could be gathered, and for which land could be purchased or to whom it could be restored.

The groups, small and larger, organized under approved constitutions, were given Federal charters of incorporation as political action units operating apart from those among whom they lived—little groups of preferred citizens called to act for the former Secretary in his land acquisitions and in his experiments in economic controls. Their councils were always subject to Indian Bureau control through the granting or withholding of benefits.

Can anyone doubt that this was all according to plan when he observes how the organizations are now used to transfer authority away from Congress? Mr. Ickes is gone from the Department of Interior, but his policies live on, within the Indian Bureau at least. Today we see proposed a preposterous transfer of authority over Indian Affairs from Congress to puppet councils under the control of the Indian Bureau which has the legal right to delegate to, or withhold authority from, such Indian councils.

The Indian Bureau not only sponsors bills designed to take away the power of Congress over Indian Affairs and to perpetuate itself, but these bills also provide for the purchase of lands to consolidate reservation holdings to be used by the Indian Bureau or under its administration. The bills further provide for great loans to Indian groups—loans maturing in from 35 to 50 years—to be used by the Indian Bureau as it has used the $10,000,000 loan fund under the Wheeler-Howard Act for its own enterprises on its controlled, tax-free Indian land.

In scores of instances during the past 15 or 20 years, the return of land to Indian reservations or additions to them by purchases out of private ownership, have so reduced the taxable holdings of surrounding communities that they are finding it difficult to support local government. For instance, the purchase of the Schermerhorn farms in Minnesota robbed Mahnomen County of several thousand dollars in taxes, thus increasing those of other citizens. The acquisition did not even benefit the Indians, since the Indian Bureau operates the properties for the supposed benefit of Indians scattered through many States and to whom no accounting can be made. South Dakota now finds it difficult to operate county government in the vicinity of Standing Rock, Rosebud, Pine Ridge, and its other big Indian reservations where the Indian Bureau operates on tax-free Indian land. There are scores of instances in which the welfare of Indians and non-Indians alike suffer from the reduced ability of communities to support the common welfare.

To give a general picture of this situation, let me quote from Senate Report No. 310. Seventy-eighth Congress:

> Let us take an example from Montana: Lake County, Mont., has 54 percent of its land tax exempt by reason of Federal-trust Indian property, yet for 20 years since allotment of the Flathead Reservation the Indians have lived in peace with their white neighbors. They go to school with them; they marry with them; they enjoy all the privileges of the best local government that can be supported by taxpaying citizens. As a further handicap to the communities, not only is more than half the land exempt from taxation, but the Indians having less pride in lands held for them, lease most of them to non-Indians who as renters are inclined to large families thus greatly increasing the burdens of the communities in which the Indians usually continue to reside so that the costs of education, welfare, and rehabilitation are doubled.
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> After the allotment of the Flathead Indians and the settlement of the surplus lands, the various communities, in anticipation of the time when all land would become taxable, bonded themselves to the limit to supply adequate schools and educational facilities. Now, after 30 years, they are still bearing the burden of support while the schools need repairs and extension to meet new requirements. The pittance of tuition paid for a part of the Indians (not for half of those in school and none for the children of lessees) is an insult to the Indians for whom it is paid and is wholly inadequate for the Indians' part in the support of education. The Indians have cast their lots with the whites and have been accepted. If the educational and economic system under which they live breaks down, they suffer equally with the whites, or even more, because it is difficult for them to maintain their self-respect or that of their white neighbors for them when they are powerless to bear their part of the burden, and their sponsor fails to do it for them.

The Indian Bureau is not now, and never has been, a political issue. It has been repeatedly condemned by leaders of both great parties, but has also been supported by both with ever-increasing appropriations in spite of the merging of the Indians into the white community. The Indian Bureau is costing many times as much now as it did when the Indians really needed it. If the Bureau had been supported in a decreasing ratio as Indian need for it declined, the Indians, except for a few unfortunate residues, would be independent and contributing citizens now. But the Indian Bureau is not concerned so much with residue groups as with those who have funds and property which it can control to its own support.

In 1945, after the Indian Bureau had just finished spending over $500,000,000 in the preceding 10 years, Assistant Commissioner Zimmerman made an extraordinary admission. When he was asked by a committee of Congress why he wanted such great increases in funds and what he had accomplished with former appropriations, he answered that during the past 10 or 15 years the Indian Bureau had probably touched with benefit a possible one-sixth of the Indians, but he said that there were many thousands of them still living on the very lowest level of economic existence that had not been touched. Evidently, the Bureau must have spent its money on the upper strata if it had not been able to reach the lower. Only 2 years before Mr. Collier, also asking for increased funds, had told Congress that most Indians managed to make their own living without help from the Federal Government except such as it rendered to its citizens in general. We are forced to the conclusion, therefore, that the Indian Bureau spends its money on the able Indians rather than upon those "living on the very lowest economic level."

It is interesting to note that William Zimmerman, the Acting Commissioner and now Assistant Commissioner of Indian Affairs, on February 8, 1947, in his testimony before the Senate Committee on Civil Service, recommended that a group of 10 Indian tribes were then ready for freedom from the Indian Bureau and 19 Indian tribes would be ready to be released from Federal supervision 10 years from that time—February 8, 1947. None has been released, yet the Indian Bureau now comes asking that Congress appropriate millions of dollars for the rehabilitation of some of these same tribes.

It is a tragic fact that during the past 15 years fewer Indians have escaped from the Indian Bureau into citizenship than have done so during any period of like length during the past hundred years. If now we enter upon a 50-year program of expenditure to establish the Indian Bureau on a grander scale than ever before, there will be fewer and fewer of them becoming real citizens. We must save the Indians from the Indian Bureau.

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